

CHUN, KERR, DODD, BEAMAN & WONG,  
A Limited Liability Law Partnership

LEROY E. COLOMBE #3662-0  
745 Fort Street, 9<sup>th</sup> Floor  
Honolulu, HI 96813  
Telephone: 528-8200  
Facsimile: 536-5869  
Email: lcolombe@ckdbw.com

Attorneys for Defendant  
FOODLAND SUPER MARKET, LIMITED

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

|                           |   |                                    |
|---------------------------|---|------------------------------------|
| WAYNE BERRY, a Hawaii     | ) | CASE NO. 03-CV-00385 SOM/LEK       |
| citizen,                  | ) | (Copyright)                        |
|                           | ) |                                    |
| Plaintiff,                | ) | DEFENDANT FOODLAND SUPER           |
| vs.                       | ) | MARKET, LIMITED'S <b>STATEMENT</b> |
|                           | ) | <b>OF NO POSITION</b> ON DEFENDANT |
| HAWAIIAN EXPRESS SERVICE, | ) | PCT'S MOTION FOR ATTORNEYS'        |
| INC., et al.,             | ) | FEEES AND COSTS FILED              |
|                           | ) | MARCH 23, 2006; CERTIFICATE        |
| Defendants.               | ) | OF SERVICE                         |
|                           | ) |                                    |
|                           | ) |                                    |
|                           | ) | [Non-Hearing Motion]               |
|                           | ) |                                    |
|                           | ) |                                    |

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DEFENDANT FOODLAND SUPER MARKET, LIMITED'S  
STATEMENT OF NO POSITION ON DEFENDANT PCT'S MOTION  
FOR ATTORNEYS' FEES AND COSTS FILED MARCH 23, 2006

Defendant Foodland Super Market, Limited, by its attorneys, hereby states that it takes no position with respect to Defendant PCT's Motion for Attorneys' Fees and Costs, filed herein on March 23, 2006, pursuant to L.R. 7.4 of the Rules of the United States District Court for the District of Hawaii.

DATED: Honolulu, Hawaii, April 12, 2006.

/s/ Leroy E. Colombe

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